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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,068	02/12/2002	John P. Stein	SteinCinch-PA	7472
27119	7590	01/14/2004	EXAMINER	
ALBERT W. WATKINS 30844 NE 1ST AVENUE ST. JOSEPH, MN 56374			ELKINS, GARY E	
			ART UNIT	PAPER NUMBER

3727

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/075,068

Applicant(s)

STEIN, JOHN P.

Examiner

Gary E. Elkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10,12,13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 3-5,11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II, fig. 4 in Paper No. 6 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

2. Claims 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15, line 4, "therebetween" is unclear with respect to the previous element(s) referred to.

In claim 16, it is unclear how the cargo retainer is comprising a second a cargo item, i.e. how is the cargo item part of the retainer?

In claim 18, line 4, it is unclear what is "for passing from said...", i.e a means for passing what from said...?

In claim 18, line 5, it is unclear what is being defined as conforming generally thereto. Also, one cannot determine what previous element(s) is being referred to by "thereto".

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 7-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hobson et al. Hobson et al discloses a cargo carrier having a load support 22 extending from a

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framework 10, 13, a guide 38, 42, a strap 43 and a buckle 44. The guide 38, 42 is movable relative to the load support 22 via the apertures 24.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 7-9, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prosen in view of the admitted prior art of fig.1. Prosen discloses a cargo carrier including a strap or retainer 32 secured via a tightening buckle (see col. 7, lines 51 and 52), a bar or load support 58, and a first guide or a first retaining means formed as a tube 31 movable mounted on the bar. Prosen does not disclose a cargo carrier having a structural framework operatively coupled with a vehicle towing component (cls. 1, 7-9, 13) or a support surface terminating in an unsupported end (cl. 15). The admitted prior art of fig. 1 teaches that it is known to provide a cargo carrier on a vehicle formed by a structural framework operatively coupled with a vehicle towing component and including a bar supporting surface with a free end. It would have been obvious to utilize the cargo securing elements (31, 32, etc) of Prosen with a cargo framework as taught by the admitted prior art of fig. 1 to provide a convenient and efficient tie-down for the cargo.

7. Claims 1, 2, 7-10, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szucs et al (figs. 2-5, 9, 10 embs) in view of the admitted prior art of fig.1. Szucs et al discloses a cargo carrier including a strap or retainer 23 secured via a tightening buckle or ratchet

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24 or 36, a bar or load support 4, 27, etc., and guides or retaining means 19 movable mounted on the bar. Szucs et al does not disclose a cargo carrier having a structural framework operatively coupled with a vehicle towing component (cls. 1, 7-9, 13) or a support surface terminating in an unsupported end (cl. 15). The admitted prior art of fig. 1 teaches that it is known to provide a cargo carrier on a vehicle formed by a structural framework operatively coupled with a vehicle towing component and including a bar supporting surface with a free end. It would have been obvious to utilize the cargo securing elements of Szucs et al with a cargo framework as taught by the admitted prior art of fig. 1 to provide a convenient and efficient tie-down for the cargo.

#### ***Allowable Subject Matter***

8. Claims 3-6, 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 18-20, as best understood, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

#### ***Conclusion***

The remaining cited prior art is illustrative of the general state of the art.

In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a

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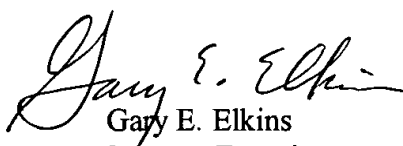
fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.

If in receiving this Office Action, it is apparent that certain documents are missing, e.g. copies of references cited, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bembry at (703)306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703)308-1078.

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (703)308-1034. The Examiner can normally be reached Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Lee Young can be reached at (703)308-2572.

  
Gary E. Elkins  
Primary Examiner  
Art Unit 3727

gee  
12 January 2004